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SUBJECT: UNHCR EXPANDING ITS ACTIVITIES IN NORTH KIVU

¶1. (SBU) Summary: Embassy's Political Officer in Goma spoke with the UN High Commission for Refugees (UNHCR) leadership in Goma, Coordinator for the East Karl Steinacker and Head of Sub-Office Ibrahima Coly. After years of minimal involvement in North Kivu, UNHCR is ramping up programs in the conflict-affected province by restructuring its country operation, increasing staff, and addressing assistance gaps within UN clusters. UNHCR explained how the clusters are still a bit ad hoc and adjusted to the peculiarities of North Kivu, and that expanding its historically small presence should not be done for its own sake but as a way to add value to the humanitarian operation in place. UNHCR also mentioned signs of spontaneous returns from Uganda and touched on the recent tripartite negotiations between the GDRC and the GOR. End summary.

UNHCR's Restructured Programs in the East  
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¶2. (SBU) Coordinator for the East Karl Steinacker and Head of Sub-Office Ibrahima Coly are the two newest and most senior members of UNHCR's team in Goma. Their arrival was part of a UNHCR expansion in North Kivu that started with the 2005 decision to implement UN clusters in the DRC. Until that time there had been a very small UNHCR presence in Goma and activities in the east had been largely focused further south on Congolese refugee returns from Burundi and Tanzania. The sub-office at the time was Uvira while Goma and Bukavu were smaller field offices. Today, Uvira is a field office and both Goma and Bukavu are sub-offices. At the Kinshasa level, the UNHCR representative was made a D-2 position with two deputies: one in Kinshasa and one in Goma, the latter covering the provinces of both Kivus and Province Oriental. The deputy in Goma is now called the Coordinator for the East.

UNHCR and the Clusters  
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¶3. (SBU) As the UN cluster approach was rolled out in the DRC, UN agencies agreed that these should not entirely replace the humanitarian structures that were already in place. Thus, the clusters remain a bit ad hoc. This also meant that an expanding UNHCR was not able to easily assume its traditional cluster responsibilities since several other agencies remained involved in those activities. For UNHCR this now means balancing the role of cluster lead in protection, camp coordination and camp management (CCCM), and shelter without stepping on the toes of other organizations already active in these sectors.

¶4. (SBU) With regards to the shelter cluster, the Rapid Response Mechanism (RRM) managed by the UN Children's Emergency Fund (UNICEF) makes UNHCR's efforts almost superfluous. The RRM program provides emergency assistance -- including shelter -- for newly displaced individuals for up to three months (which is why one sees more UNICEF plastic sheeting in North Kivu than that of UNHCR). The

early recovery cluster that is run by both UNHCR and UNDP will implicate UNHCR in shelter assistance in the case of refugee returns or mixed refugee/IDP returns.

15. (SBU) Concerning the CCCM cluster, activities are very much influenced by the humanitarian situation before 2008. In early 2007 there were no IDP camps and with the security situation so fluid in North Kivu all displacement was considered temporary as fighting would die down and pick up somewhere else. The RRM was a mechanism to respond with three months worth of assistance, after which IDPs were likely to go home. But with the rise of Laurent Nkunda's "Congres National pour la Defense du Peuple" (CNDP), displacement appeared to be more ethnically driven and more permanent. UNHCR felt, therefore, that camps were necessary in order to better deliver assistance. There are currently 18 IDP sights that fall under CCCM coordination in both Kivus.

16. (SBU) The rollout of the CCCM cluster caused some contention, even if it is agreed by numerous humanitarian actors that it greatly improved delivery of assistance to IDPs. According to Steinacker it was viewed by other agencies as an implicit criticism of the way business had been run up to that point using the RRM approach. It was agreed, therefore, that the RRM process would remain as the first response mechanism and that it would be replaced by CCCM activities after three months. It was also agreed that CCCM activities would have to be coordinated with the Goma Comite Permanent Inter Agence (CPIA), the OCHA-led coordination body for humanitarian activities. Many agencies also felt the creation of camps would create a pull for all people who felt insecure, something for which UNHCR believes there has yet to be evidence. Consequently - according to UNHCR - there are serious disagreements

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between the CPIA and UNHCR with regards to standards. The UN High Commissioner for Refugees himself, Antonio Guterres, spoke out about this recently, insisting that UNHCR's full standards be applied in the DRC as they would be anywhere else.

17. (SBU) Activities that fall within the protection cluster are co-managed by UNHCR and MONUC (primarily the human rights office). This is another area in which UNHCR has been increasing its role since 2005, particularly as pertains to the legal rights of victims of gender-based violence (GBV). Success stories are rare,, however, as perpetrators find it easy to literally escape the embryonic legal system somewhere between arrest, trial, conviction, and detention. The relationship with MONUC generally works well, though it is very personality driven and different between various offices in the East. In Kinshasa MONUC Human Rights and UNHCR are working with the GDRC and UN Police (UNPOL) to establish a police protection force that will be able to address security concerns within and surrounding the IDP camps. MONUC Human Rights, along with UNFPA and UNICEF, also runs the Joint Initiative on Sexual Violence to secure legal representation for GBV victims.

18. (SBU) With regards to early recovery, UNHCR's role is again limited to the provision of assistance to refugees, though it is prepared to do small-scale IDP returns as a confidence building measure. IDP returns are generally the responsibility of UNICEF, which implements its Program of Expanded Assistance to Returns (PEAR) mechanism in providing assistance. Early recovery (also called return and reintegration) is not officially a cluster but rather - as viewed by UNHCR - an umbrella term for activities that support the MONUC stabilization plan, including UNICEF-facilitated IDP returns. Activities are co-managed by UNHCR and UNDP. Steinacker felt that given continued displacement a new profiling exercise should be conducted to allow better IDP returns planning.

DRC - Rwanda Tripartite Talks

19. (SBU) Steinacker spoke briefly about the tripartite talks between the DRC and Rwanda. (Note: this is a UNHCR-facilitated forum in which to discuss modalities for refugee returns between two countries. It is not to be confused with the Tripartite Plus, which is a United States regional initiative to address peace and security issues that relate to the DRC, Uganda, Rwanda, and Burundi. End

note.) The first tripartite meeting took place in July in Kigali, the next will be in September in Goma. Organizing the meeting was a challenge in itself, as the DRC and Rwanda do not have diplomatic relations. The refugees in question are some 45,000 mainly Tutsi Congolese from the territories of Rutshuru and Masisi. These claim to be eager to return, but security is not yet permissive to a UNHCR-sponsored repatriation exercise.

¶10. (SBU) One of the main sticking points in the tripartite talks is that of nationality. Though the DRC constitution affirms the nationality of all residents of the Kivus -- including those whose ancestors settled from Rwanda during and after the colonial period -- there are still members of the GDRC who see the descendants of Rwandans immigrants as foreigners. It also appears that there might be a fear of additional Rwandans being settled in the Kivus along with the refugees. Therefore, the GDRC had recommended that tribal chiefs from North Kivu be asked to identify those who truly lived in the province before fleeing to Rwanda. UNHCR is decidedly against this idea as it would put each individual's qualification for refugee status and Congolese citizenship in the hands of the chiefs. The result could be Congolese refugees in Rwanda being declared non-citizens of the DRC and thereby becoming stateless people.

#### Other Refugee Flows

¶11. (SBU) Meanwhile, there is a small number of UNHCR-facilitated returns happening in the opposite direction. Through its partnership with MONUC's DDRRR program, UNHCR returns the families of demobilized FDLR soldiers. One concern of UNHCR, however, is its desire to keep families together once repatriated. Ex-combatants appear to be separated from their families on the Rwandan side of the border when they are put into reintegration camps. Whether or not these ex-combatants are granted periodic access to their families during this time is unclear.

¶12. (SBU) There are also refugee returns from Uganda. UNHCR had moved some 8,000 refugees to southern Uganda in late 2007 and early 2008; some of these now appear to be returning spontaneously to parts of Ituri and Rutshuru territories. The Congolese migration office will begin to register the returnees and UNHCR plans to start

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providing assistance. Because the returns are spontaneous, however, it is difficult to tell who is actually a refugee. Few of the returnees have documentation to prove they were refugees in Uganda, claiming, for example, that they left their ration cards back in the camps in southern Uganda.

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